

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

DANIEL FOLEY,

Plaintiff,

v.

No. CIV-10-203 RB/GBW

CITY OF ROSWELL, NEW MEXICO, et al.;

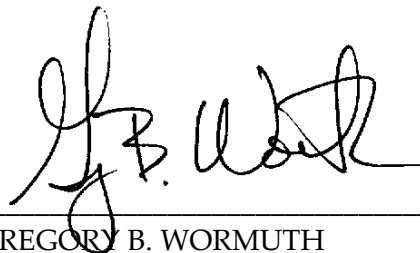
Defendants.

ORDER GRANTING MOTION TO COMPEL

THIS MATTER came before the Court on Defendants' Motion to Compel. *Doc. 64*. Plaintiff filed no response. Pursuant to the local rules, the "failure of a party to file and serve a response in opposition to a motion . . . constitutes consent to grant the motion." D.N.M.LR-Civ. 7.1(b). At a telephonic status conference with the counsel held on July 29, 2011, Defendants indicated that they still sought the requested discovery but, assuming expedited production, would withdraw their request for sanctions. *Doc. 68*. At that same hearing, Plaintiff promised production no later than September 3, 2011.

Therefore, the Court will grant the Motion to Compel and order production no later than September 3, 2011. Assuming production by that date, no sanctions will be imposed.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
United States Magistrate Judge